

The New Mexico Supreme Court adopts new rules to help New Mexicans facing foreclosure and consumer debt issues

FORECLOSURES

Under civil case procedures established by the rules, a foreclosing creditor cannot obtain a judgment against a homeowner until certifying that loan modification and "loss mitigation" negotiations were attempted with the borrower. Before the filing of a foreclosure case, the rules require that homeowners be given information about their loan and possible ways to avoid losing their house.

The New Rules and Forms for Mandatory Pre-Filing and Pre-Judgment Certifications in Foreclosure Actions will become effective on September 7, 2021. Copies of the order, rules and forms related to foreclosure cases are available below:

- [Order No. 21-8300-004](#)
- [New Rule 1-003.3 NMRA](#)
- [New Rule 1-054.2 NMRA](#)
- [New Form 4-227 NMRA](#)
- [New Form 4-712 NMRA](#)

CONSUMER DEBT

The Court implemented a schedule for gradually lifting a suspension on consumer debt collection orders. Known as writs of garnishment and execution, the orders allow creditors to obtain a portion of a delinquent borrower's wages or to seize and sell certain personal property to repay a debt. State courts stopped issuing orders for debt collection in June 2020.

The New Rules and Forms related to consumer debt cases will take effect on September 1, 2021 and remain in effect until January 31, 2022. Copies of the order, rules and forms related to consumer debt cases are available below:

- [Order No. 21-8500-018](#)
- [Order No. 21-8300-005](#)
- [Forms 4-805.1](#)
- [Form 4-805.2 NMRA](#)